

# California meditating on 3-strikes law

By George E. Curry  
Special to Sentinel-Voice

The West Coast — or, the Left Coast, as some Californians like to call their area — has a bad habit of enacting bad laws that later spread virus-like to other states. Proposition 209, Ward Connerly's California anti-affirmative ballot initiative, and the draconian "Three Strikes and You're Out" are but two examples.

On Nov. 2, a decade after California's "Three Strikes" went into effect, residents of the Golden State will get another turn at bat. If approved by voters, Proposition 66 will reform California's "Three Strikes" sentencing law to require that a third strike, the one carrying a mandatory 25-years-to-life prison sentence, be applied to only violent or serious felonies.

Six crimes will be downgraded: residential burglary (unless someone other than the burglar is at home at the time); attempted residential burglary; arson of a structure, forestland or property; criminal threats; felony gang crimes; and felonies in which unintended great bodily harm is inflicted.

If Prop 66 passes, there will be no mass exodus from prison, as opponents like to charge. Rather, more than 26,000 felons will have their cases retroactively reviewed in court. If their old conviction was based on what will now be a lesser charge, they may be either released or given a shorter prison term.

If a recent field poll is accurate, it might not be difficult to pick malleable jurors. According to the poll, 76 percent of Californians want to reform "Three Strikes." The poll, taken in August, shows clear majorities across the board supporting the change: Democrats and Republicans, men and women as well as liberals and conservatives. The strongest support is among liberals (80 percent) and weakest is among conservatives (59 percent).

Like federal mandatory sentencing guidelines, "Three Strikes" was hastily passed in the state legislature without a public hearing in response to a high-profile, rape and murder of 12-year-old Polly Klaas of Petaluma, Calif. Richard Allen Davis was later convicted of the crime.

To make sure that Davis and other incorrigibles are kept behind bars forever, the state legislature and a citizen ballot initiative, provided for "Three Strikes."

A new report from the Justice Policy Institute, a Washington, D.C.-based public policy organization that seeks alternatives to incarceration, found that African-Americans represent 6.5 percent of California's population, nearly 30 percent of its prison population and 44.7 percent of those sentenced to life under the "Three Strikes" policy. Only 25 percent of Whites are "lifers" and 26 percent Latino.

"Three Strikes is systematically funneling African-American and Latino defendants into prison for longer and longer sentences, mostly for non-violent crimes," Vincent Schiraldi, executive director of the Justice Policy Institute, says in a statement. "Rarely does one see any law imposed so disproportionately against one racial group."

The report — "Racial Divide: An Examination of the Impact of California's Three Strikes Law on African-Americans and Latinos" — noted that Blacks are arrested in California at 4.4 times the rate of Whites, imprisoned at 7.5 times the rate of Whites and are nearly 13 times more likely to be incarcerated than Whites under "Three Strikes."

Where one lives in California also affects the likelihood of being charged under the "Three Strikes" law. In Santa Clara County, 414 were charged with violating the law. In the People's Republic of San Francisco, just 32 persons were charged.

Interestingly, the law designed to reduce violent crime has largely been a failure.

"Three Strikes states have fared no better than states that did not adopt strike laws," the report states. "Strike states had slightly better declines in index (serious) crime rates (26.8 percent) driven by slightly greater declines in property crime (25.9 percent vs. 20.4 percent). Non-strike states had marginally better

declines in violent crime (34.3 percent vs. 33) and greater declines in homicides (43.9 percent vs. 38.2 percent).

"Considering that Three Strikes was a movement largely targeted at violent recalcitrant criminals, with promises of great impact, these findings are disappointing ten years after most strikes laws were enacted."

In addition to being disappointing, the Three Strikes experiment has also been expensive. Correctional officials in California say it takes \$31,000 a year to house each inmate. The Justice Policy Institute calculates that over the past decade, it has cost California taxpayers \$6 billion to house the additional prisoners.

In 1993, the state of Washington passed the country's first "Three Strikes" law. Over the next few years, 23 states and the federal government passed similar laws. Now, it's on the California ballot. If it is amended next month, this will be one California trend that other states should not balk at following.

George E. Curry is editor-in-chief of the NNPA News Service.

## Ex-mayor Archer named guardian for Rosa Parks

DETROIT (AP) - A judge has asked former Detroit Mayor Dennis Archer to serve as a guardian to 91-year-old Rosa Parks, amid questions over whether those representing the civil rights pioneer are doing an adequate job.

U.S. District Judge George Steeh appointed Archer to intercede in two lawsuits filed on behalf of Parks against the record companies of the popular hip-hop duo OutKast.

Last month, a doctor said Parks has dementia and should not be forced to answer questions in the lawsuit.

In his order, Steeh named Archer as a temporary, independent guardian who is to meet with Parks and review all litigation files to determine whether she is being fairly represented.

The trial is set to start in January. Archer, a former Michigan Supreme Court justice and past president of the American Bar Association, said Thursday he could not comment on the case because of his involvement.

"He's a person of high integrity and skillful expertise that may bring about and facilitate a settlement of the case," Parks' attorney Gregory Reed said.

In a separate hearing Wednesday, U.S. District Magistrate Donald Scheer issued a \$1,000 fine against Reed for failing to produce documents related to the Parks lawsuit. Reed said he has released all the documents he has and is asking the magistrate reconsider his order.

In the 1999 lawsuit, Parks said that OutKast and the record label BMG Entertainment violated her publicity and trademark rights in the 1998 song "Rosa Parks." OutKast was excluded from the lawsuit this summer.

In a separate lawsuit filed in August, Parks' lawyers are seeking damages from record companies including LaFace Records, BMG Entertainment and Arista Records in claims that they misappropriated Parks' name.

### Mosley

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raising corporate funds, provide vocational training and hiring staff.

The local affiliate will have a \$1.8 million operating budget in its first year, Shropshire said.

The executive director's salary is structured out of the affiliates total annual budget. An annual budget more than \$1 million but less than \$5 million pays a minimum salary of \$80,000.

"We have not worked out a compensation package yet with Larry Mosley," Shropshire said.

The local affiliate of the New York-based National Urban League has signed a three-year lease and will begin providing services on Nov. 1 out of offices in the Nucleus Plaza, 1058 W. Owens Ave, Shropshire said.

The affiliate will start with two programs, including an after-school program for middle school students and a program for at-risk young adults who have been through the court system. Dr. Wilma "Bonnie" Carter Gaines, former executive director of the Three Rivers Employment Agency in Pittsburgh, will oversee pro-

grams at the Nucleus Plaza.

The Urban League is one of three agencies being considered to operate a community center to be built by Clark County at Martin Luther King Blvd. and Carey Avenue. No construction start date has been announced for the fully funded project.

The local Urban League affiliate, which received a charter in July at the organization's national convention in Detroit, is moving forward with selecting site locations from which to conduct its services.

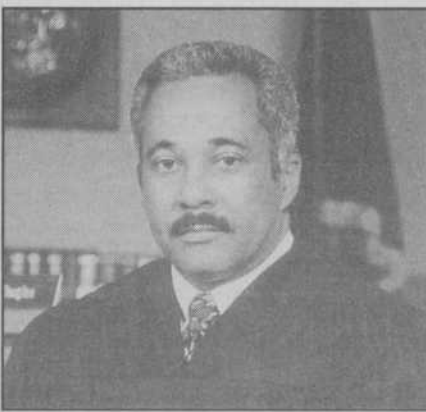
"We plan to keep a site there in the Nucleus Plaza," Shropshire said. "It's a good location to provide services and the site is in the area we want to serve. It will provide a good intake center for students."

The Urban League has a five-point empowerment agenda: delivering programs and services in "education for youth, economic empowerment, health and quality of life, civic engagement and civil rights," Annelle Lewis, senior vice president for affiliate services for the NUL in New York, said recently.

For further information, call Shropshire at (702) 525-2886.

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